



**BALTIMORE CITY HEALTH DEPARTMENT
NOTICE AND ORDER TO REMOVE HEALTH NUISANCE**

To: BALTIMORE CITY RETAIL ESTABLISHMENTS

Issuance Date: September 8, 2006

Compliance Date: September 11, 2006

The Baltimore City Health Department has determined that products sold within Baltimore City pose an immediate health and safety hazard to inhabitants of the City. These products are marketed as containing a substance known as Kohl, Kajal, Al-Kahl, or Surma (hereinafter referred to as "kohl"). The Maryland Department of the Environment tested the "Hashmi Surma Special" product and found lead levels of 39% and 45%. These products are applied around the eyes, and two Maryland children have suffered lead poisoning after using the products.

The U.S. Food and Drug Administration has found that products containing kohl are a source of lead poisoning. Selling these products is illegal under federal law. Federal Food, Drug, and Cosmetic Act, 21 U.S.C.S. §§ 301, et seq. The Commissioner of Health has determined that products containing kohl are a health hazard and a nuisance pursuant to Titles 2 and 5 of the Baltimore City Health Code. Health Code §§ 2-201, et seq. and 5-101, et seq.

Therefore, by authority of the Commissioner of Health under sections 2-105(5) and 5-101 et seq. of the Baltimore City Health Code, all Baltimore City retail establishments are hereby ordered to take the following corrective action:

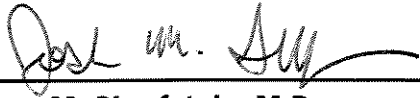
- 1) Immediately stop the sale and/or distribution of "Hashmi Surma Special" and any other cosmetic products containing Kohl, Kajal, Al-Kahl, or Surma within Baltimore City;**
- 2) This action must be completed by 5:00 p.m. on September 11, 2006.**

Failure to comply with this notice and order is a misdemeanor and, if convicted, violators will be subject to a fine of up to \$1,000.00 for each offense.

If any retail establishment fails to comply with this Notice and Order within the time frame allotted, in addition to initiating criminal prosecution or other legal enforcement proceedings, the Commissioner of Health may secure personnel to remove the nuisance items from the shelves of retail establishments. The person in charge of the property will be liable for the

expenses incurred by such corrective action and such expenses may act as a lien against the property until they are paid in full.

You have the right to request an administrative review of this notice and order in writing, within 10 days, setting forth in full the reason therefore.

A handwritten signature in black ink, appearing to read "Josh M. Sharfstein", written over a horizontal line.

Joshua M. Sharfstein, M.D.
COMMISSIONER OF HEALTH